

AMENDED IN SENATE AUGUST 20, 2012
AMENDED IN SENATE AUGUST 6, 2012
AMENDED IN SENATE JULY 13, 2011
AMENDED IN SENATE JUNE 21, 2011
AMENDED IN ASSEMBLY JUNE 1, 2011
AMENDED IN ASSEMBLY MARCH 16, 2011
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 145

Introduced by Assembly Member Pan
(Principal coauthor: Assembly Member Galgiani)
(Principal coauthor: Senator Correa)

January 13, 2011

An act to amend Sections 2159.5 and 18108.5 of, and to add Section ~~18109.5~~ 2159.7 to, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 145, as amended, Pan. Voter registration: paid registration activities.

Existing law authorizes any person, company, or other organization that complies with specified conditions to agree to pay money or other valuable consideration, on a per-affidavit basis or otherwise, to any person who assists another person to register to vote by receiving the completed affidavit of registration.

This bill would prohibit any person, company, or other organization from agreeing to pay money or other valuable consideration on a per-affidavit basis to any person who assists another person to register

to vote by receiving the completed affidavit of registration, would prohibit the receipt of this per-affidavit consideration, and would make conforming changes. ~~A violation of these prohibitions would be a misdemeanor.~~

Existing law requires an elections official to notify the payor of a person who assists others to register to vote if 3 or more affidavits submitted by the person assisting do not comply with specified provisions.

This bill would provide that this notification is required when 3 or more affidavits submitted by the person assisting each reflects a violation of one or more of those provisions.

~~By defining a new crime, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes-no~~. State-mandated local program: ~~yes-no~~.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2159.5 of the Elections Code is amended
2 to read:
3 2159.5. Any person, company, or other organization that agrees
4 to pay money or other valuable consideration to any person who
5 assists another person to register to vote by receiving the completed
6 affidavit of registration, shall do all of the following:
7 (a) Maintain a list of the names, addresses, and telephone
8 numbers of all individuals that the person, company, or other
9 organization has agreed to compensate for assisting others to
10 register to vote, and shall provide to each person receiving that
11 consideration a written statement of that person's personal
12 responsibilities and liabilities under Sections 2138, 2139, 2150,
13 2158, 2159, 18100, 18101, 18103, 18106, 18108, 18108.1, and
14 18108.5. Receipt of the written statement shall be acknowledged,
15 in writing, by the person receiving the consideration, and the
16 acknowledgment shall be kept by the person, company, or
17 organization that agrees to compensate that person. All records

1 required by this subdivision shall be maintained for a minimum
2 of three years, and shall be made available to the elections official,
3 the Secretary of State, or an appropriate prosecuting agency, upon
4 demand. As an alternate to maintaining the records required by
5 this subdivision, the records may be filed with the county elections
6 official, who shall retain those records for a minimum of three
7 years. The county elections official may charge a fee, not to exceed
8 actual costs, for storing records pursuant to this subdivision.

9 (b) Not render any payment or promised consideration unless
10 the information specified in Section 2159 has been affixed
11 personally on the affidavit in the handwriting of the person with
12 whom the agreement for payment was made.

13 (c) At the time of submission of affidavits to elections officials,
14 identify and separate those affidavits into groups that do and that
15 do not comply with the requirements of Sections 2150 and 2159.
16 A signed acknowledgment shall be attached to each group of
17 affidavits identifying a group as in compliance with Sections 2150
18 and 2159, and a group as not in compliance with either Section
19 2150 or 2159, or both.

20 (d) Failure to comply with this section shall not cause the
21 invalidation of the registration of the voter unless the registration
22 of the voter is found to be invalid pursuant to any other section of
23 this division.

24 *SEC. 2. Section 2159.7 is added to the Elections Code, to read:*

25 *2159.7. (a) A person shall not offer to pay or pay money or*
26 *other valuable consideration to another person, either directly or*
27 *indirectly, on a per-affidavit basis to assist another person to*
28 *register to vote by receiving the completed affidavit of registration.*

29 *(b) A person shall not receive money or other valuable*
30 *consideration, either directly or indirectly, on a per-affidavit basis*
31 *to assist another person to register to vote by receiving the*
32 *completed affidavit of registration.*

33 *(c) Nothing in this section shall be construed to prohibit payment*
34 *for assisting another person to register to vote by receiving the*
35 *completed affidavit which is not, either directly or indirectly, on*
36 *a per-affidavit basis.*

37 ~~SEC. 2.~~

38 *SEC. 3. Section 18108.5 of the Elections Code is amended to*
39 *read:*

1 18108.5. (a) Any person, company, or other organization that
 2 agrees to pay money or other valuable consideration to any person
 3 who assists another person to register to vote by receiving the
 4 completed affidavit of registration who fails to comply with Section
 5 2159.5, is guilty of a misdemeanor, and shall be punished by a
 6 fine not exceeding one thousand dollars (\$1,000), or by
 7 imprisonment in the county jail not exceeding six months or, when
 8 the failure to comply is found to be willful, not exceeding one
 9 year, or by both that fine and imprisonment.

10 (b) Any person, company, or other organization that agrees to
 11 pay money or other valuable consideration to any person who
 12 assists another person to register to vote by receiving the completed
 13 affidavit of registration, upon a third or subsequent conviction, on
 14 charges brought and separately tried, for failure to comply with
 15 Section 2159.5 shall be punished by a fine not exceeding ten
 16 thousand dollars (\$10,000), or by imprisonment in the county jail
 17 not to exceed one year, or by both that fine and imprisonment.

18 (c) An elections official shall notify any person, company, or
 19 other organization that agrees to pay money or other valuable
 20 consideration to any person who assists another person to register
 21 to vote by receiving the completed affidavit of registration when
 22 three or more affidavits of registration submitted by a person who
 23 assisted others to register to vote each reflects a violation of one
 24 or more of Sections 18100, 18101, 18103, and 18106. The elections
 25 official may forward a copy of each of the noncomplying affidavits
 26 of registration to the district attorney, who may make a
 27 determination whether probable cause exists to believe that a
 28 violation of this division or any other law has occurred.

29 (d) This section shall not apply to any public agency or its
 30 employees that is designated as a voter registration agency pursuant
 31 to the National Voter Registration Act of 1993 (42 U.S.C. Sec.
 32 1973gg), when an elector asks for assistance to register to vote
 33 during the course and scope of the agency's normal business.

34 ~~SEC. 3. Section 18109.5 is added to the Elections Code, to~~
 35 ~~read:~~

36 ~~18109.5. (a) Any person who offers to pay or pays money or~~
 37 ~~other valuable consideration to another person, either directly or~~
 38 ~~indirectly, on a per-affidavit basis to assist another person to~~
 39 ~~register to vote by receiving the completed affidavit of registration~~
 40 ~~is guilty of a misdemeanor.~~

1 ~~(b) Any person who receives money or other valuable~~
2 ~~consideration, either directly or indirectly, on a per-affidavit basis~~
3 ~~to assist another person to register to vote by receiving the~~
4 ~~completed affidavit of registration is guilty of a misdemeanor.~~

5 ~~(c) Nothing in this section shall be construed to prohibit payment~~
6 ~~for assisting another person to register to vote by receiving the~~
7 ~~completed affidavit which is not, either directly or indirectly, on~~
8 ~~a per-affidavit basis.~~

9 ~~SEC. 4. No reimbursement is required by this act pursuant to~~
10 ~~Section 6 of Article XIII B of the California Constitution because~~
11 ~~the only costs that may be incurred by a local agency or school~~
12 ~~district will be incurred because this act creates a new crime or~~
13 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
14 ~~for a crime or infraction, within the meaning of Section 17556 of~~
15 ~~the Government Code, or changes the definition of a crime within~~
16 ~~the meaning of Section 6 of Article XIII B of the California~~
17 ~~Constitution.~~